



THE CITY OF NEW YORK
LAW DEPARTMENT
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January 3, 2023

BY ECF

Hon. John P. Cronan
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Stollman, et al. v. Williams, et al.*
Index No. 20 CV 8937 (JPC) (JW)

Dear Judge Cronan,

I am an Assistant Corporation Counsel in the Office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York and attorney for the Defendants in the case referenced above. I write to respectfully request an extension of the briefing deadlines for the parties' motions for partial summary judgment.

Pursuant to the Court's Order dated December 5, 2022, the parties are due to serve and file their initial motion papers by tomorrow, January 4, 2023, with opposition papers to be served and filed by March 6, 2023 and replies by March 20, 2023. I write to respectfully request that the Court extend those deadlines by six weeks, making the initial papers due by February 15, 2023, and then the opposition and replies by April 17, 2023 and May 1, 2023¹ respectively. Additional time is needed because the attorney assigned to this case, my colleague Kimberly Joyce, has unexpectedly taken leave for personal/medical reasons.² I am told that she will be out of the office for at least two months, so this case will need to be reassigned. The newly assigned attorney will then need time to review the record developed in discovery,

¹ I suggested to Plaintiffs that the parties could propose a shorter extension for the opposition and reply deadlines (and thereby complete briefing sooner), but Plaintiffs did not agree.

² Ms. Joyce previously informed the Court that she was taking leave in December 2022 to care for a family member.

familiarize him or herself with the underlying facts and the bases for Defendants' motion, and then prepare Defendants' papers.

This is the second request for an extension of the briefing schedule that Defendants have made. The original deadline for the initial motion papers was December 2, 2022, but Your Honor granted Defendants' first request for an extension. I apologize for the timing of this request, and to the extent it is not consistent with section 3(B) of the Court's Individual Rules and Practices in Civil Cases, but I was only told about this particular deadline late on Friday, December 30, 2022, when I was out of the office.

I have communicated with David Lansner, Esq., one of Plaintiffs' attorney, and Plaintiffs do not consent to the proposed extension. Mr. Lansner asked that I include the following, verbatim, as the reasons given for refusing to consent:

No, Andrew, enough is enough. [Former Assistant Corporation Counsel] Copatrick Thomas said in June, 2022, that the City was not making a motion and that the case was ready for trial. Then, the City requested permission to make a motion, and it was due on December 2, 2022. At the City's request, the deadline was extended to January 4, 2023. Now you claim that a new attorney will have to start from scratch. Why from scratch? Has not the City been working on the motion before discovering a day before it is due that the motion papers are not ready? In light of the delay and in light of the numerous facts in dispute on the City's proposed motion, we do not consent to a further adjournment.

Thank you for your consideration of this matter.

Respectfully submitted,


s/

Andrew J. Rauchberg
Assistant Corporation Counsel

cc: All Counsel of Record

The request is granted in part. The parties shall file their motions for summary judgment by February 1, 2023; they shall file oppositions by March 20, 2023; and they shall file replies by April 10, 2023. No further extensions shall be granted to Defendants absent extraordinary circumstances.

SO ORDERED
Date: January 4, 2023
New York, New York


JOHN P. CRONAN
United States District Judge